

## MORRISON TENENBAUM

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November 11, 2020

**VIA ECF**

Honorable Valerie E. Caproni  
United States District Court, Southern District of New York  
40 Centre Street  
New York, NY 10007

**Re: Ramirez v. 400 West 23rd Street Restaurant Corp., No. 19-cv-10571 (VEC)**

Dear Judge Caproni:

We are counsel for the defendants in the above captioned matter. We write jointly with Plaintiff's attorney.

The bankruptcy of 400 West 23<sup>rd</sup> Street Restaurant Corp. was dismissed on October 29, 2020. Accordingly, the bankruptcy stay is no longer in place.

Defendants respectfully request that the case be re-referred for mediation. The action was initially referred to mediation to take place before an initial conference and formal discovery, but the bankruptcy filing postponed the mediation.

Plaintiff's position is that due to the considerable delays in this case caused by Defendants' bankruptcy filing, which was apparently dismissed in October, Plaintiff requests that an initial conference be calendared and that a scheduling order be entered allowing the parties to conduct discovery. Plaintiff does not wish to attend mediation as he strongly believes that it would be premature and counterproductive at this time.

We thank Your Honor for your attention to this matter.

Respectfully submitted,

/s/ Joshua S. Androphy  
Joshua S. Androphy, Esq.

All counsel (VIA ECF)